

REMARKS

In the above-referenced Office Action, the Examiner rejected claims 12-15 and 17 under 35 U.S.C. § 102(e) as being anticipated by Bukow, U.S. Patent No. 6,567,784; rejected claims 1-5, 9, 16, and 18-21 under 35 U.S.C. § 103(a) as being unpatentable over Bukow in view of Salas et al. (Salas), U.S. Patent No. 6,233,600; rejected claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over Bukow in view of Salas and further in view of Rackson et al. (Rackson), U.S. Patent No. 6,415,270; rejected claims 10-11 under 35 U.S.C. § 103(a) as being unpatentable over Bukow in view of Salas and further in view of Srivastava et al. (Srivastava), U.S. Patent No. 6,374,292.

Applicants submit herewith a Declaration of Beerud Sheth under 37 C.F.R. § 1.131. This declaration removes Bukow as a reference because it shows that applicants had reduced their invention to practice prior to the filing date of Bukow.

Because all claims were rejected over Bukow, or a combination of Bukow and other references, all rejections of the claims should be withdrawn.

Applicants note that Bukow is directed to a method and system of matching workers and projects. Bukow teaches that it is desirable for such matching to occur without the intervention of the parties (see, for example, column 1, lines 22-31). Several of the pending claims are patentable over Bukow for at least this additional reason, as they clearly require actions on the part of the buyer and/or seller of services.

None of Salas, Rackson, or Srivastava teaches or suggests applicants' invention. Furthermore, these three documents do not remedy the deficiencies of Bukow pointed out by the Examiner in the rejections under § 103. Applicants disagree with the Examiner's reasoning concerning why a person of ordinary skill in the art would have been motivated to combine the various cited patents with the disclosure in Bukow. As stated above, Bukow teaches a system in which buyer and seller are not involved with the matching of projects. Thus, applicants believe that it would not have been obvious to combine the cited documents as suggested, and further disagree that such a combination would have yielded the claimed invention, assuming for the sake of argument that such a combination could even be made.

Conclusion

In sum, Applicants respectfully submit that claims 1-21 and newly added claims 22 and 23 are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration and allowance of these claims.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,

Date: February 11, 2004

By: Laura Majerus

Laura A. Majerus, Reg. No. 33,417
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7152
Fax: (650) 938-5200